

A model General Complaints Procedure for City of York Schools

Approved by Elvington CEP School FGB May 2017



CITY OF
YORK
COUNCIL

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General principles: The right approach

As part of the general home/school policy, parents and pupils should be encouraged to express their views on what goes on within school, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising. Certain general underlying principles should be observed whenever concerns or complaints are raised.

1 Publicity

Parents should always know how they can raise concerns or lodge a formal complaint. The complaints procedure should be easily accessible and well-publicised.

A summary of how the school deals with complaints should be included in the information which is given to new parents when their children join the school, and in the information given to the children themselves. Parents and children should be reminded of the system at regular intervals.

Schools should prepare some publicity for parents explaining how problems are dealt with and how the complaints procedure works.

Schools should consider whether they need to make the procedures available in languages other than English. Braille or large print version should be made available if requested. The school needs to consider in advance how it would locate qualified interpreters in various languages, including British Sign Language.

If parents contact the Local Authority with their concerns they should be referred back to the school. However the Local Authority through its web site can help parents and others know about, and how to use the procedures available.

2 Procedures should be as speedy as possible - consistent with fairness to all concerned

Each stage of the procedure should have known time limits. Where it is not possible to meet these, information about progress must be given to the complainant. Care should be taken not to draw things out with unnecessary bureaucracy. Schools should have a hierarchy for dealing with complaints.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be up-dated on progress on a

regular basis. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required (eg an apology or an explanation of new policies to avoid a similar problem again).

3 Support for complainants

As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations who are clearly separate from those complained against.

Parents raising concerns or complaints should be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

4 Support for a person complained against

Staff who may be questioned as part of a complaints procedure investigation must feel that they are being treated in a fair way and be informed that they too will have an opportunity to put their case. They should be told about the procedure, given a copy of it, and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially. They have the right to be accompanied by a union representative, friend or colleague at discussions about the complaint.

5 Confidentiality

It is very important to treat conversations and correspondence with discretion. It is vital that parents feel confident that their complaint will not mean that their child will be penalised. However, from the outset, all parties to a complaint should be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the forewarned eventuality occurs, to the detriment of the school, the complainant may come forward subsequently and say that s/he alerted the school even though the complaint was unsigned. It should be at the headteacher or governing body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

6 Redress

If the outcome of the complaints procedure shows that the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology; an explanation; a promise that the event complained of will not recur; an undertaking to review school policies or practices in the light of the complaint; or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but advice can be taken from the LA if litigation could be possible. Staff should also take advice from their union and/or professional body.

7 Staff awareness and training

School staff, including non-teaching staff, should be familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at an informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. All school staff should have clear information about which staff have particular responsibilities at school so that parents do not get continually passed from one to another.

8 Record keeping

If complaints are to contribute to raising the quality of education, then they need to be recorded and monitored termly by senior staff and governors. Recording should begin at the point when a concern or initial complaint has become the kind of complaint that can not be resolved on the spot but needs investigation and/or consultation with others in the school, and will require a report back (either orally or in writing) to the parent. Some headteachers may go further than this and want to be notified of all complaints.

Recording at the earliest stages need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro forma or comments and complaints book could be used which is both confidential and secure.

Stage 1: The first contact - guidelines for dealing with concerns and complaints informally

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school administrative staff or headteacher, depending on whom the parent first approached.
- 1.2 Parents must feel able to raise concerns with members of staff either in person, by telephone, email or in writing. On occasion it may be appropriate for someone to act on behalf of a parent. Schools should have a policy for staff about dealing with parents.
- 1.3 At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A model procedure for schools to use at Stage 1

- 1.4 Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The “appropriate member of staff” is the person who has been designated to handle the complaint and not the teacher being complained about. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.
- 1.6 Any members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.
- 1.7 In some schools or for certain issues, the headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the headteacher, the parent is advised to contact the chair of the governing body.
- 1.9 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

- 1.10 Where no satisfactory solution has been found within 10 working days, parents will be asked if they wish their concern to be considered further. If they do, they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them (see Appendix A).
- 1.11 In some cases, and in small schools, it may be necessary for a complaint to progress straight to stage 2.

Stage 2: Referral to the headteacher for investigation

- 2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the headteacher has already been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.2 As headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. Headteachers should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents' concerns at Stage 1, while the headteacher deals with contact with parents at Stage 2. Even at that stage the headteacher may designate another member of staff to collect some of the information from the various parties involved, though the decision on action to be taken may not be delegated. In some cases a complaint will have been taken straight to Stage 2 and will have been investigated by the headteacher as the most appropriate person.

A model procedure for schools to use at Stage 2

- 2.3 The headteacher (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.4 The headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes, s/he

- may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf, and that interpreting facilities are available if needed.
- 2.5 If necessary, the headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with their parent/carer present. In some situations, circumstances may prevent this, eg where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or carers were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind (see paragraph 4 under 'General Principles').
 - 2.6 The headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
 - 2.7 Once all the relevant facts have been established, the headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
 - 2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within 20 working days of receiving the outcome letter.
 - 2.9 If a complaint is against the action of a headteacher, or if the headteacher has been very closely involved at Stage 1, the complaint may be moved to directly to Stage 3.

Stage 3: Review by the Governing Body

- 3.1 ***Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary.*** At this stage, schools should seek advice from any relevant authority eg the LA, Board of Education (Church of England) or Diocesan Schools' Commission (Roman Catholic). This can provide a useful "outside view" on the issues.
- 3.2 ***It is important that this review not only be independent and impartial but that it is seen to be so.*** Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise. For example, in exceptional circumstances a

complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.

- 3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the headteacher's response at the earlier stage of the procedure, and it may be appropriate for the governing body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

A model procedure for review by the governing body at Stage 3

- 3.4 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed.
- 3.5 The clerk to the governing body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's governing body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.6 The clerk to the governors should arrange to convene a Governors' Complaints Panel elected from members of the governing body. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.
- 3.7 The panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the chair of the governing body should chair the panel; otherwise the vice-chair should do it. Generally it is not appropriate for the headteacher to have a place on the panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
- 3.8 The chair/vice-chair will ensure that the complaint is heard by the panel within 20 working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the chair of the panel should prepare a thorough summary for sending to panel members.

- 3.9 The chair/vice-chair will write to all parties (the complainant, headteacher, members of the panel and any relevant witnesses) at least 5 working days before the meeting, informing them of the date, time and place. The notification to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
- 3.10 The chair/vice-chair of the governing body should invite the headteacher to attend the panel meeting and prepare a written report for the panel in response to the complaint. The headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the headteacher's report should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
- 3.11 The involvement of staff other than the headteacher is subject to the discretion of the chair of the panel.
- 3.12 It is the responsibility of the chair of the panel to ensure that the meeting is properly minuted.
- 3.13 The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.14 The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. It is therefore recommended that the chair of the panel ensures that the proceedings are as informal as possible.
- 3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.16 The meeting should allow for:
- the complainant to explain their complaint
 - the headteacher to explain the school's response
 - the headteacher to question the complainant about the complaint
 - the complainant to question the headteacher and/or other members of staff about the school's response
 - panel members to have an opportunity to question both the complainant and the headteacher

- any party to have the right to call witnesses (subject to the approval of the chair)
 - all parties having the right to question all the witnesses
 - final statements by both the complainant and the headteacher.
- 3.17 The chair of the panel will explain to the complainant and the headteacher that the panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, headteacher, other members of staff and witnesses will then leave.
- 3.18 The panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.19 A written statement outlining the decision of the panel must be sent to the complainant and headteacher. The letter to the complainant should explain that if they are not satisfied with the response whether a further appeal can be made, and if so, to whom.
- 3.20 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from any involved pupil's personal records.

Stage 4: Voluntary Aided schools

- 4.1 **For voluntary aided schools:** If the complaint was a specific one regarding any aspect of religious education and/or collective worship then the appropriate Bishop would need to be involved in any appeal. For more general complaints Diocesan Boards (Church of England) and Diocesan Schools Commissions (Roman Catholic) can give advice on procedures to their schools but they have no powers to receive appeals from complainants.

Stage 5: Beyond local resolution

- 5.1 **The Secretary of State:** Complaints can be taken to the Secretary of State for Education and Skills under Section 496 of the Education Act 1996, on the grounds that a governing body or LA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the

Governing Body or the LA for more information in order to consider the complaint. These powers relate to community schools, voluntary schools, foundation schools and city technology colleges.

- 5.2 **The Local Government Ombudsman:** Complaints about the maladministration of local authority services, including the way it operates any general school complaints procedure, could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

Concerns and Complaints about Schools

Guidance notes for Parents

(Suggestions for the text of a leaflet, to be modified to fit a particular school)

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first

[For primary schools: Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher.]

[For secondary schools: Most concerns and complaints can be sorted out quickly by speaking with your child's form tutor or head of year.]

Any member of staff at the school can help you and direct you to the most appropriate person to deal with your complaint. If you have a complaint which you feel should be looked at by the headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing, calling or emailing the school. You can take a friend or relation to the appointment with you if you would like to do so.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response (or with the headteacher's initial reaction if he/she has already been involved) you can make a complaint to the headteacher. This should be made in writing.

If your complaint is about an action of the headteacher personally, then you should refer your complaint to the governing body. You can contact them through the Clerk to the Governing Body.

You may also find it helpful at this stage to have a copy of the School's Complaints Procedures as this explains in detail what procedures are followed. This is available from the school.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

Most problems can be resolved by the end of this stage.

If your complaint has not been resolved

If you are still not satisfied you may wish to contact the chair of the governing body to ask for referral of your complaint to the Governing Body. It will then be heard by a group of governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting which the headteacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Secretary of State for Education. Again there is more information on this in the General Complaints Procedure.

Appendix B

How to Listen to Complaints – Guidance for Schools

As soon as you realise that you are listening to a complaint, remember these points:

Don't pass the buck	Try not to keep transferring someone from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.
Don't be flippant	First impressions count. You and the school may be judged on your immediate reaction.
Treat all complaints seriously	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.
Treat every complaint individually	Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.
Be courteous and patient	Be sympathetic and helpful, but do not blame other colleagues.
Say who you are	If you are unknown to the person, introduce yourself.
Ask for their name and use it	Anonymous complaints are acceptable only where there are special circumstances.
Take time to find out exactly what the problem is	It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
Don't take the complaint personally	To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.
Stay cool and calm	Do not argue with the person - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.
Check you are being understood	Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone "not in the know".
Don't rush	Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: